

REMARKS

In response to the Office Action mailed on December 16, 2004, Applicant respectfully requests reconsideration. Claims 1-48 are now pending in this Application. Claims 1, 17 and 33 are independent claims and the remaining claims are dependent claims. In this Amendment, claims 1, 17 and 33 have been amended. A version of the claims containing markings to show the changes made is included herewith. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Claims 1, 2, 4-10, 12-18, 20-26, 28-34, 36-42 and 44-48 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0033241 to Harari (hereinafter Harari) in view of U.S. Patent No. 6,553,388 to Perks (hereinafter Perks).

The Examiner has attempted to combine the teachings of Harari with the teachings of Perks. In order to establish a *prima facie* case of obviousness, the Office Action must meet three criteria.

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants respectfully submit that there is no suggestion or motivation to combine the teachings of Harari (which relates to real estate transactions over a network) and Perks (which relates to determining changes in a database). The Examiner stated that it would have been obvious to one of ordinary skill in the art to combine the references to provide record updates in a compatible time scale. Applicants do not understand what the Examiner is referencing by the term "compatible time scale". Harari is performing real estate transactions by sending

documents around a network to various parties, while Perks is keeping track of changes to a database. The two are unrelated and are therefore not properly combined. Regarding Herari and Perks, there is no reason or suggestion found in the prior art that would have led one of ordinary skill in the art to combine them to produce the claimed invention.

Harari discloses, at column 1, paragraph 8, a system and method relating to real estate transactions using a network-based system. The system and method include establishing a business relationship between various parties to the transaction by providing legal agreements and associated task lists pertaining to the real estate transaction. Perks discloses a method for determining what records in a database have been added, deleted or changed using primary keys and cyclic redundancy checks (CRCs). The two references are in non-analogous art and therefore should not be combined.

The Examiner rejected claims 1, 17 and 33, stating that Harari teaches, in part, calculating an initial value for at least one data object at paragraph 73. A review of Harari reveals that Harari discloses an "information ID" which is defined as a unique number or key that points to broker information within a user registration form, and also discloses a time stamp.

Claim 1 has been amended to recite that the calculating an initial value is further defined wherein the initial value reflects the initial state of information in the data object, and wherein the current value is further defined as reflecting the current state of information in the data object. In the present invention, should the information within the data object change then the current value would be different than the initial value, and if the information within the data object does not change then the current value would match the initial value. Harari fails to disclose or suggest the "initial value" and the "current value" as described in amended claim 1. The information ID of Harari would be the same whether the information within the record was changed or not, whereas the time stamp would always be different, regardless of whether the information was changed or not. Thus, neither the information ID nor the time stamp, taken alone or in

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combination, disclose the initial value and/or the current value of amended claim 1. Accordingly, amended claim 1 is believed allowable over Harari. Claims 17 and 33 have been amended in a similar fashion as claim 1, and are believed allowable for the same reasons. Claims 2-16, 18-32 and 34-48 depend from claims 1, 17 or 33 and are believed allowable as they depend from a base claim which is believed allowable. Accordingly, the rejection of claims 1, 2, 4-10, 12-18, 20-26, 28-34, 36-42 and 44-48 under 35 U.S.C. §103(a) as being unpatentable over Harari in view of Perks is believed to have been overcome.

Claims 3, 11, 19, 27, 35 and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Harari in view of Perks and further in view of U.S. Patent Publication No. 2001/0011274 to Klug et al. (hereinafter Klug). Claims 3, 11, 19, 27, 35 and 43 depend from claims 1, 17 or 33 and are believed allowable as they depend from a base claim which is believed allowable. Accordingly, the rejection of claims 3, 11, 19, 27, 35 and 43 under 35 U.S.C. §103(a) as being unpatentable over Harari in view of Perks and further in view of Klug is believed to have been overcome.

Conclusion

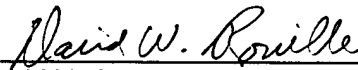
In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' Representative at the number below.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



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